

UNITED STATES DISTRICT COURT

District of

Delaware

DEY, L.P. and DEY, INC.,

**SUMMONS IN A CIVIL CASE**

Plaintiffs,

v.

SEPRACOR INC.,

CASE NUMBER: 08 - 372

Defendant.

TO: (Name and address of Defendant)

Sepracor Inc.

c/o The Corporation Trust Company (registered agent)  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Steven J. Balick  
Ashby & Geddes  
500 Delaware Avenue, 8<sup>th</sup> Floor  
P.O. Box 1150  
Wilmington, DE 19899

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

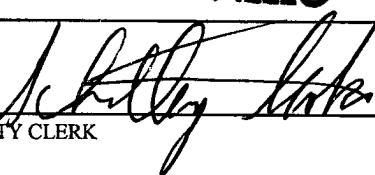
**PETER T. DALLEO**

CLERK

(By) DEPUTY CLERK

June 20, 2008

DATE



AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(1)	DATE	June 23, 2008
NAME OF SERVER (PRINT) Patrick Boyer	TITLE	Process Server
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: <hr/>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: <hr/>		
<input checked="" type="checkbox"/> Other (specify): <u>Personally served Sepracor Inc. by serving its registered agent at the address indicated on the front of this summons.</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the Untied States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on: <u>June 23, 2008</u>            Date   <u>Patrick Boyer</u>  <small>Signature of Server</small></p>		
<p><i>Address of Server</i></p> <p>Parcels, Inc.            230 N. Market Street            Wilmington, DE 19801</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.